

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

SEAN GALLAGHER, PIAGET VENTUS,  
NICOLE ASCENSIO, IANOS ORTEGA,  
individually on behalf of all similarly situated  
individuals,

*Plaintiffs,*

v.

NATIONAL RESTAURANT ASSOCIATION  
SOLUTIONS, LLC; NATIONAL RESTAURANT  
ASSOCIATION D/B/A SERVSAFE, and any other  
related entities and individuals

*Defendants.*

No. 1:23-cv-00435 (LGS)

**JOINT STATUS REPORT**

Pursuant to this Court’s June 9, 2023 Order (ECF No. 28), Plaintiffs Sean Gallagher, Piaget Ventus, Nicole Ascensio and Ianos Ortega, individually and on behalf of all others similarly situated (“Plaintiffs”) and Defendants National Restaurant Association Solutions, LLC and National Restaurant Association d/b/a ServSafe (“Defendants”) jointly submit this status report and state as follows:

The procedural history and background of this matter is summarized in the parties’ March 29, 2023, Rule 26(f) report to the Court (ECF No. 14).

The parties engaged in a nearly 10 hour mediation session with JAMS mediator Hon. Morton Denlow (Ret.) on Aug. 15, 2023. The parties made significant progress in negotiation and settlement discussion over the course of the mediation.

While a settlement in principal has not yet been reached, there remain a few unresolved issues that the parties are continuing to explore as potential avenues for resolution with Judge

Denlow's assistance. The parties will continue to negotiate and confer regarding the resolution of those issues over the next week. The parties have agreed to another mediation session with Judge Denlow on August 23, 2023, with the intent to negotiate any unresolved issues and expect to know by August 23 if settlement is possible at this time.

The parties, therefore, respectfully request a two week extension of the stay on discovery and other deadlines while the parties continue to negotiate settlement. If a settlement is not reached, the parties will file a proposed discovery schedule and motion schedule for Defendants' motion to compel arbitration by no later than Friday, September 1, 2023.

Dated: August 17, 2023

Respectfully submitted,

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*Counsel for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on August 17, 2023, a copy of the foregoing JOINT STATUS REPORT was filed with the Court's ECF system and served on counsel for all parties of record.

/s/ Lewis S. Wiener  
Lewis S. Wiener